

INDIANA BOARD OF PHARMACY

**Indiana Professional Licensing Agency
Conference Center Room W064
402 W. Washington St.
Indianapolis, IN 46204**

MINUTES OF December 10, 2007

CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer Steve Anderson called the meeting to order at 9:10 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

Steve Anderson, R.Ph., President
William Cover, R.Ph., Vice President
Del T. Fanning, R.Ph., Member
Donna Wall, PharmD., R.Ph, Member
Sara St. Angelo, PharmD, Member
Winnie Landis, R.Ph., Member
Anika Calloway, J.D., Member

State Officials Present:

Marty Allain, Board Director, Indiana Professional Licensing Agency
Amy M. Phillips, Assistant Board Director, Indiana Professional Licensing Agency
Tasha Coleman, Case Manager, Indiana Professional Licensing Agency
Gordon White, DAG, Advisory Counsel, Office of the Attorney General

ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

Landis/St. Angelo

Motion carried 7/0/0

ADOPTION OF MINUTES FROM November 5, 2007 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the November 5, 2007 meeting of the Board.

Landis/Cover

Motion carried 7/0/0

PERSONAL APPEARANCES

Reports were given by the Compliance Officers.

Representatives from Pharma Logistics appeared before the board. Board recommended that a rules sub-committee be formed regarding wholesale drug distribution licensure.

Representatives from South Bend Clinic, LLP appeared before the board regarding its pharmacy renewal application. A motion was made and seconded requesting the filing of a consumer complaint adverse the pharmacy permit for an improper qualifying pharmacist.

St. Angelo/Fanning

Motion carried 7/0/0

A motion was made and seconded to renew South Bend Clinic, LLP pharmacy license.

Wall/St. Angelo

Motion carried 7/0/0

The Board approved the appearances of the following probationers:

Erik Blemker
John Eklund
Donald Edward Hinds
Michael Long
Dennis Mock
Christine Nafe

Cover/Wall

Motion carried 7/0/0

The Board approved the appearances of the following probationers:

Thomas Goodge
Mark Huntzinger
Robert Jaberg
Christopher King
David Koszut
Elaine Niese
Jeffery Opel
Keith Schmitt
Jon Stelter
Michael Werner
Steven Zehring
Traci Holling

Fanning/Wall

Motion carried 7/0/0

The Board approved the appearances of the following probationers:

Gerry Bowman
Lawrence Brassard
Louis Delnnocentes
Tara Feldhaus
Dennis Mazurkiewicz
Charles Lindstrom

Landis/Cover

Motion carried 7/0/0

Valerie Ziemkowski did not appear for her probationary appearance.

Representatives from Genoa Healthcare of Indiana appeared before the board.

Edward E. Certain, Jr appeared before the board regarding his pharmacist renewal application. A motion was made and second to deny the pharmacist license renewal.

St. Angelo/Cover

Motion carried 7/0/0

A motion was made and seconded to file a consumer complaint adverse Certain's pharmacist license for practicing pharmacy without an active license.

Cover/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to file a consumer complaint against CVS pharmacy permit (#60005312A) for allowing pharmacist Certain to practice without an active license and to be listed as the qualifying pharmacist.

Wall/St. Angelo

Motion carried 7/0/0

Eugene Zale appeared before the board regarding his compounding practices. A motion was made and seconded to file a consumer complaint adverse Zale's pharmacist license and the pharmacy permit with the recommendation that Zale cease his compounding practice until the matter is resolved.

Landis/Cover

Motion carried 7/0/0

A motion was made and seconded to recommend that Zale cease his compounding practice until the matter is resolved.

Landis/Cover

Motion carried 7/0/0

A motion was made and seconded to notify the FDA of Zale's compounding practice.

Wall/Cover

Motion carried 7/0/0

Queen Townsend did not appear before the board regarding her pharmacy technician application. A motion was made and second to deny the technician certification.

Wall/Landis

Motion carried 7/0/0

Jessica Porter did not appear before the board regarding her pharmacy technician application. A motion was made and second to deny the technician certification.

Wall/St. Angelo

Motion carried 7/0/0

In the Matter of the Indiana License of Angela R. Kruer
Administrative Cause No. 2007 IBP 0005

Parties and Counsel Present:

Mark Mader, Deputy Attorney General
Angela Kruer, Respondent
Michelle Baldwin, Respondent's counsel

Participating Board Members:

Fanning
Anderson
Cover
Calloway
Landis
Wall
St. Angelo

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Parties presented settlement agreement.

Board Action:

A motion was made and seconded to accept the settlement agreement presented by the parties including the condition of indefinite probation.

Landis/St. Angelo

Motion carried 7/0/0

In the Matter of the Indiana License of Elaine T. Niese, R.Ph.

License No. 26015534A
Administrative Cause No. 2006 IBP 0026
Re: Petition to Modify Probation

Parties and Counsel Present:

Mark Mader, Deputy Attorney General
Elaine Niese, Respondent

Participating Board Members:

Fanning
Anderson
Cover
Calloway
Landis
Wall

Witnesses for the Respondent:

Elaine Niese
Carl Erdmann

Witnesses for the State:

None

Case Summary:

Respondent petitioned the board to modify her probationary license terms.

Board Action:

A motion was made and seconded to modify the number of hours she may work per week from 32 to an average of 40 hours a week over a two week period.

Landis/Calloway

Motion carried 6/0/0

In the Matter of the Indiana License of Dennis L. Mazurkiewicz, R.Ph.

License No. 26012681A

Administrative Cause No. 2002 IBP 0019

Re: Petition to Withdraw Probation

Parties and Counsel Present:

Dennis Mazurkiewicz, Respondent

Participating Board Members:

Fanning

Anderson

Calloway

Wall

Landis

Witnesses for the Respondent:

Dennis Mazurkiewicz

Witnesses for the State:

None

Case Summary:

Respondent petitioned the board to withdraw the probationary license terms and return him to an active license without probationary restrictions.

Board Action:

A motion was made and seconded to withdraw the probationary status on Mr. Mazurkiewicz's license.

Landis/Wall

Motion carried 5/0/0

In the Matter of the Permit Application of Ashley Brown, Technician in Training

Certification No. 99027232A

Administrative Cause No. 2007 IBP 0015

Re: Default Hearing

Parties and Counsel Present:

Mark Mader, Deputy Attorney General

Participating Board Members:

Fanning

Anderson

Cover

Calloway

Wall

Landis

Case Summary:

A Notice of Proposed Default was issued adverse the Respondent.

Board Action:

A motion was made and second to hold the Respondent in default.

Cover/Wall

Motion carried 6/0/0

A motion was made and seconded to revoke the Respondent's technician-in-training permit.

Cover/Calloway

Motion carried 6/0/0

A motion was made and seconded to request a personal appearance of the following pharmacist intern application:

Stephanie Tristano

Wall/Fanning

Motion carried 6/0/0

A motion was made and seconded to deny the request to waive VAWD of the following wholesale drug distributor application:

Strategic Pharmaceutical Solutions dba Vet Source

Wall/Fanning

Motion carried 6/0/0

A motion was made and seconded to request a personal appearance of the following EDI applicant:

Cardinal Health Nuclear Pharmacy Services

Cover/Wall

Motion carried 6/0/0

A motion was made and seconded to advise the following applicants on how to change pharmacy permit type:

Pharmacy of Canterbury
Community Home Health Pharmacy Services

Wall/Cover

Motion carried 6/0/0

A motion was made and seconded to approve the following pharmacy technician applications:

Denise Newlin
Jeanine Marshall
Nicholas Klem

Fanning/Cover

Motion carried 6/0/0

A motion was made and seconded to request a personal appearance with regard to the following pharmacy technician applications:

Stephanie Voight
Amber Treadway

Fanning/Cover

Motion carried 6/0/0

A motion was made and seconded to approve the following requests for age waivers for pharmacy technician applications:

Katlyn Neff
Alicia Waters
Stephanie Samuels
Jillian Wagner
Jordan Buuck
Joe Hodges
Amy Bowlby
Amber Bell

Fanning/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the following requests for age waivers for pharmacy technician applications pending the receipt of employer letter:

Haley Teske
Jessica Zink

Fanning/Calloway

Motion carried 6/0/0

A motion was made and seconded to approve the following requests to issue second technician-in-training permits:

Lorraine Mayberry
Marinda Spicer

Fanning/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the following non-resident application:

Pharmvet.com

Cover/Fanning

Motion carried 6/0/0

A motion was made and seconded to deny the following non-resident application:

Diamond Back Drugs

Cover/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the following licensure transfers:

John J. Perry – Reciprocal Application/Positive Response

Landis/Wall

Motion carried 7/0/0

A motion was made and seconded to deny the license transfer application for the following:

Remy U. Onimoe

Landis/Cover

Motion carried 7/0/0

A motion was made and seconded to approve the following continuing education applications:

R. Brian Wolfe, Pharm.D.	(2-1hr)
Allyson Gaylor	(1hr)
Timothy Lee Johnston	(1hr)
Nehal Pandya, Pharm.D.	(2-0.5 hrs)
Alicia Thorne	(1hr)
Sarah Williamson	(1hr)

Anderson/Cover

Motion carried 7/0/0

In the Matter of the License of Suranna Wallace-Ashman, R.Ph.

License No. 26017205A
Administrative Cause No. 2007 IBP 0014
Re: Final Hearing

Parties and Counsel Present:

Heather Kennedy, Deputy Attorney General

Participating Board Members:

Fanning
Anderson
St. Angelo
Cover
Calloway
Wall
Landis

Case Summary:

The State filed a Complaint adverse the Respondent's license.

Board Action:

A motion was made and second to issue a notice of proposed default.

Wall/St. Angelo

Motion carried 7/0/0

A motion was made and second to extend the summary suspension for an additional ninety (90) days.

Wall/St. Angelo

Motion carried 7/0/0

In the Matter of the License of Michelle Fischer, CPT

License No. 67004296A
Administrative Cause No. 2007 IBP 0066
Re: Emergency Suspension

Parties and Counsel Present:

Heather Kennedy, Deputy Attorney General

Participating Board Members:

Fanning
Anderson
St. Angelo
Cover
Calloway
Wall
Landis

Case Summary:

The State filed a petition for summary suspension of the Respondent's license.

Board Action:

A motion was made and second to extend the summary suspension for an additional ninety (90) days.

Wall/Cover

Motion carried 7/0/0

MISCELLANEOUS

Board Director's Report

Indiana Secure Prescription Pad Vendor Compliance Plan

General discussion on discipline for breaching patient confidentiality

Issuance of Multiple Prescriptions for Schedule II Controlled Substances. Board's interpretation is that the new federal regulations allow for practitioners to prescribe multiple CII prescriptions for up to a ninety (90) day supply. The prescriber may write three (3) prescriptions—each as a thirty (30) day supply—with the date for a subsequent fill to be written on each prescription.

OLD/NEW BUSINESS

Pharmacist Immunization Proposed Rule

The meeting adjourned at 3:07 p.m.

Steve Anderson, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, January 14, 2008
Indiana Professional Licensing Agency
Conference Room W064